

COMMENTS

Applicant appreciates the examiner's thorough examination and clear discussion. All of the claims of the application have now been amended and are believed to be allowable over the cited art in view of the following comments.

Claim 11 was initially objected to under 37 CFR §1.75(c) as being of improper dependent form. Claim 11 has been cancelled.

Independent claims 1, 16, 26, and 32 were rejected under 35 USC §103(a) as being unpatentable over *Smith* (US 5,772,502) in view of *Bergen* (US 1,431,869). Each of these independent claims have been amended to clarify the subject matter of the claims and are believed to be allowable over the proposed combination of *Smith* and *Bergen* for the following reasons.

Smith discloses an adjustable ridge vent having accordion-shaped pleated end plugs for covering an opening at the peak of a roof. The ridge vent has a top panel having opposed lateral edges and having opposed ends, and has a flexible midsection parallel to the opposed lateral edges. A plurality of semicircular supports extending downwardly from the underside of the top panel suspends the top panel above the roof. Lateral sidewall portions, which downwardly depend from the lateral edges of the vent, have louvered ventilation openings for allowing air to escape out of the opening at the roof's peak and pass from under the vent. Gutters with outwardly upturned lips and with drain openings are adjacent the ventilation openings. The end walls of the vent each

have a flexible accordion-pleated mid-portion end plug formed therein, and the ratio of the total pleat length to the pleated mid-portion length is preferably about 1.5.

Bergen discloses a combination shingle and attaching means therefor with the attachment means (nails) being removably confined on the shingle. Among the objects of the *Bergen* combination are to confine a fastening element upon a shingle in such a manner that the element may be readily removed from its confinement for the shingle attaching operation and to attach a nail or nails to a shingle in a manner so that the said nail or nails will be confined at a point beyond one edge of the shingle to facilitate the removal of the nail or nails, and to facilitate the shipment of the shingles so equipped. To accomplish these objectives, *Bergen* discloses that each of the fastening elements 11 (see the figures of *Bergen*), which preferably are big headed nails, are held temporarily confined by the employment of a holder 12. Each holder 12 consists preferably of a single piece of thin tough fibrous material or paper, which is bent upon itself to provide a plurality of portions 13 and 14. The portion 13 has an aperture 15 therein for receiving the shank of a nail. In combining the fastening elements 11 with the shingle 10, *Bergen* discloses that each of the elements (nails) has the shank thereof extended through the aperture 15 in the portion 13 of its respective holder 12. The portions 13 and 14 of each holder are then brought together to capture the head of the nail after which a small tack 16 is driven through the ends of the portions 13 and 14 into the shingle 10 to attach the holder and its nail removably to the shingle. The nails are arranged along the upper thin edge of the shingle at a point beyond the shingle edge and each is aligned with a mark on the shingle where the nail is to be driven to attach the shingle to a roof.

It is critical in the disclosure of *Bergen* that the nails be confined at a point beyond the edge of the shingle to which they are attached to facilitate stacking and shipment of the shingles. If the nails were located between the edges of the shingle, they not only would interfere with the stacking of shingles into a bundle, but the compression of the nails between shingles would puncture and destroy the singles rendering them unusable. *Bergen* thus discloses that the confinement of the nails beyond the edge in no way affects the shipping of the shingles, and the shingles may be bundled as desired (line 83) as a consequence of confining the nails beyond the edge of the shingle.

In contrast to the teachings of *Smith* and *Bergen*, independent claims 1, as amended, recites a ridge ventilation system comprising a plurality of ridge vent sections each having ends and longitudinal edges and being configured to be arranged end-to-end covering an open ridge of a roof. Each of the ridge vent sections has a laterally flexible central panel flanked by ventilation grids that extend along and inboard of the longitudinal edges of the ridge vent. A plurality of fasteners, which may be nails, is removably secured to each of said ridge vent sections between the longitudinal edges thereof. The fasteners are positioned to be removed by an installer of the ridge ventilation system for use in fastening said ridge vent sections to a roof. Similarly, independent claim 16 recites A ridge ventilation system comprising a plurality of ridge vent sections configured to be arranged end-to-end covering an open ridge of a roof, each ridge vent section having ends and opposed longitudinal edges. Each of the ridge vent sections has a laterally flexible central panel flanked by ventilation grids. A plurality of fasteners, which may be nails, are stowed on at least one of said ridge vent sections

between the opposed longitudinal edges thereof prior to arrangement of the ridge vent sections on a roof to be used in fastening said ridge vent sections to a roof. Independent claim 26 recites a ridge ventilation system comprising a plurality of ridge vent sections configured to be arranged end-to-end covering an open ridge of a roof with each ridge vent section having opposed ends and opposed longitudinal edges. Each of the ridge vent sections has a laterally flexible central panel with holes therein and the central panel is flanked by ventilation grids extending along and inboard of said opposed longitudinal edges. A plurality of fasteners are carried by at least one of the ridge vent sections at locations between said longitudinal edges thereof before said ridge vent sections are arranged on a roof. Finally, independent claim 32 recites a ridge vent section for installation on a roof comprising an elongated central panel having opposed ends joined by opposed longitudinal edges. A ventilation grid is formed along an edge of said central panel and a fastener is stowed on the ridge vent section between said longitudinal edges before said ridge vent section is installed on a roof for fastening the ridge vent section to a roof.

It will thus be seen that each of these independent claims recites and requires that the fasteners be stowed, carried, or secured to their respective ridge vent sections *between the longitudinal edges* of the ridge vent section. In the preferred and illustrated embodiment, they are stowed in the ventilation region of the ridge vent section slightly inboard of its longitudinal edges. They may, however, be stowed elsewhere prior to arrangement of the ridge vent sections on a roof so long as they are disposed between the opposed longitudinal edges of the ridge vent section.

The proposed combination of *Smith* and *Bergen* does not establish a prima facie case of obviousness with respect to the above independent claims because, among other things, such a combination fails to include all of the elements recited in the claims. More specifically, combining *Bergen* with *Smith* would result in a ridge vent section with nails confined at a point beyond one edge of the ridge vent section. Further, the nails necessarily would be secured with an ancillary holder, since there is no structure taught by *Smith* that resides beyond the edges of the ridge vent section for holding a nail. Finally, it cannot be argued to be obvious to modify the proposed *Smith* and *Bergen* combination to move the nails between the edges of their ridge vent sections as claimed. *Bergen* teaches that disposition of the nails beyond one edge of the shingle is essential to achieve the object of allowing the shingles to be stacked, bundled, and shipped without interference from the nails. *Bergen* thus teaches away from disposing the nails between the longitudinal edges as claimed. Further, making such a modification to the proposed combination would not be an obvious thing to do because the nails would puncture and destroy the shingles of *Bergen* when they were stacked and bundled for shipment.

For at least the forgoing reasons, independent claims 1, 16, 26, and 32 define over the proposed combination of *Smith* and *Bergen* and are thus unobvious and allowable over such a combination. Likewise, dependent claims 2-9, 17-25, 27-31, and 33-39, which include the limitations of their independent claims, are allowable over the suggested combination for at least the same reasons that their independent claims are allowable.

Independent claim 10 was initially rejected as being unpatentable under 35 USC § 103(a) as being unpatentable over *Smith* in view of *Kutsch et al.* (US 4,545,291). Claim 10 has now been amended and is believed to define over the suggested combination for at least the following reasons.

The disclosures of *Smith* have been discussed above. *Kutsch et al.* disclose a ventilator for farm barns which is constructed to be positioned over an elongated opening along the ridge of the barn roof. The ventilator is comprised of sheet metal and has inner baffle and flue portions and an outer storm band casing which is about twice as wide as it is high. The baffle portion is in the form of an isosceles triangle the side walls of which extend laterally beyond the width of the flue portion. Rows of louvers in the base of the baffle portion and in the side walls of the flue portion open downwardly and outwardly while those in the base of the baffle portion are directed inwardly. The top of the storm band has louvers therein opening toward the ridge line. The structure provides a simple, effective, weatherproof ventilator according to *Kutsch et al.* Fig. 4 of *Kutsch et al.* illustrates end flashing members 38 and 39, which, when assembled, have portions 40, 41 that respectively bear against the building roof and the end caps 15. Referring to Fig. 5, the ventilator can be cut transversely where desired and any desired length of ventilator can be provided by joining two or more lengths together in tandem by using connecting flashing 42 as illustrated. It is instructive to note that, contrary to suggestions in the official action, *Kutsch et al.* nowhere disclose that the flashing members form a V-shaped trough for the purpose of effectively diverting water that has seeped between the ridge vent sections. This appears to be an interpretation of the drawing figures in the light of inappropriate hindsight. Nevertheless, claim 10, as

amended, recites that the drain comprises a laterally extending trough integrally formed on and extending along one end of each of said ridge vent sections, said trough being sized and configured to underlie the junction between two joined ridge vent sections to receive water and divert the water toward said ventilation grids of said ridge vent sections. The proposed combination of *Smith* and *Kutsch et al.* does not establish a prima facie case of obviousness of claim 10 because, among other things, all of the elements recited in claim 10 are not present in such a combination. Specifically, *Kutsch et al.* specifically teaches that the flashing members are separate components that are installed beneath the end portions of ridge vents and not integrally formed on and extending along one end of each of said ridge vent sections as required by claim 10. It cannot be argued to be obvious to make the flashing of a proposed *Smith/Kutsch et al.* combination integrally formed with the ridge vent at least because the vent of *Kutsch et al.* is made of metal and the flashing 38, 39, and 42 must underlie the flashing portion 24 of the vent to prevent leaks and therefore must be a separate element from the vent itself. Thus, claim 10 is allowable over the suggested combination of references.

Dependent claims 12-15 include all of the limitations of independent claim 10 and therefore are allowable for at least the same reasons that claim 10 is allowable.

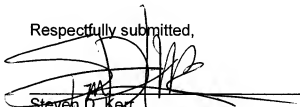
CONCLUSION

In summary, claim 11 has been cancelled. Remaining claims 1-10 and 12-39 recite a ridge ventilation system of unique structure and attributes not taught or fairly suggested by the art of record. Accordingly, these claims are believed to be in condition for allowance and an early notice to such effect is earnestly solicited.

The examiner is requested to contact the undersigned counsel if allowance of the claims can be facilitated by examiner's amendment, telephone interview, or otherwise.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Order Account No. 09-0528.

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Date

Respectfully submitted,

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